REMARKS

Claims 1-52 are pending in the present application. Claims 1, 3, 4, 14, 16, 17, 26, 28, 29, 36, 39, 41, 42, 51, and 52 were amended. Reconsideration of the claims is respectfully requested.

An amendment was made to the specification to correct a typographical error. No new matter has been added by the amendment to the specification. In addition, a Replacement Sheet for Figure 4 has been included.

I.   35 U.S.C. § 102, Anticipation, Claims 1-5, 7-10, 12-18, 20-23, 25-30, 32-35, 37-43, 45-48, and 50-52

The Examiner has rejected claims 1-5, 7-10, 12-18, 20-23, 25-30, 32-35, 37-43, 45-48, and 50-52 under 35 U.S.C. § 102 as being anticipated by *Hubbard* (U.S. Patent No. 6,654,783). This rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 **only if every element of a claimed invention is identically shown in that single reference**, arranged as they are in the claims. (Emphasis added) (*In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990)). All limitations of the claimed invention must be considered when determining patentability. (*In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994)). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. (*Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983)).

Amended independent claim 1 of the present invention, which is representative of amended independent claims 14, 26, 39, 51, and 52, with regard to similarly recited subject matter, reads as follows:

> 1.   A method of providing a subscription computing service to a
> subscriber computing system, comprising:
>   initiating the subscription computing service based on subscription
> computing information;

determining if one or more spare resources are available by
requesting system operation information from the subscriber computing
system;

allocating a portion of the one or more spare resources if one or
more spare resources are available; and

issuing an instruction to the subscriber computing system to
perform at least one operation using the allocated portion of the one or
more spare resources to thereby provide the subscription computing
service based on the subscription computing information.

With regard to independent claim 1, the Examiner stated:

As per claim 1, Hubbard teaches a method of providing a
subscription computing service (fig. 1A) to a subscriber computing system
(fig. 1, client system 108, 110 and 112), comprising:

determining (relative capabilities of the client system is
determined) if one or more spare resources are available in the subscriber
computing system [capabilities such as processing power, disk storage
capacity, communication types and other capabilities that are available
within the client system col. 6, lines 28-31 and col. 7, lines 1-9];

allocating a portion of the one or more spare resources if one or
more spare resources are available [client systems allow its capabilities to
be utilized by the distributed processing system col. 5, lines 11-35 and col.
7, lines 1-9]; and

issuing an instruction to the subscriber computing system to
perform at least one operation using the allocated portion of the one or
more spare resources to thereby provide the subscription computing
service [workloads to be performed are selected for client systems. The
workloads are controlled through an operational code col. 7, lines 1-13
and lines 63 to col. 8, line11].

(*Office Action,* dated September 9, 2004, pages 3 and 4).

Hubbard teaches "a method for **indexing** network site content with a distributed
parallel processing system that identifies the capabilities of distributed devices connected
together through a wide variety of communication systems and networks and utilizes
those capabilities to provide **incentives** to the distributed devices and to organize,
manage and distribute project workloads to the distributed devices." (Emphasis added)
(*Hubbard,* Col. 2, line 64 – Col. 3, line 4). In other words, *Hubbard*:

...contemplates the identification of the capabilities of distributed devices
connected together through a wide variety of communication systems and
networks and the aggregation of these capabilities to accomplish
processing, storage, broadcasting or any other desired project objective.

For example, distributed devices connected to each other through the Internet, an intranet network, a wireless network, or any other network may provide any of a number of useful capabilities to **third parties** once their respective capabilities are identified, organized, and managed for a desired task. (Emphasis added).

(*Hubbard,* Col. 4, lines 18-28).

Also, "[a]s indicated above, to encourage owners or users of client systems to allow their system capabilities to be utilized by the control system, an incentive system may be utilized." (*Hubbard,* Col. 11, lines 7-9). Consequently, *Hubbard* teaches a method for indexing and managing available resources in a distributed device environment to accomplish desired tasks for third party customer systems and to provide client incentives for the use of their systems.

In contrast, the present invention is directed towards allowing computation and storage intensive tasks of subscription computing to be performed with subscriber resources in a peer-to-peer computation model rather than with centralized resources owned by a service provider. In particular, claim 1 of the present invention recites a method of providing a subscription computing service to a subscriber computing system, and initiating the subscription computing service based on subscription computing information. *Hubbard* does not teach this feature. Instead, *Hubbard* teaches using distributed devices connected together to provide processing capabilities in response to requests from third party customer systems, as shown in Figures 1A and 1B of *Hubbard* below:
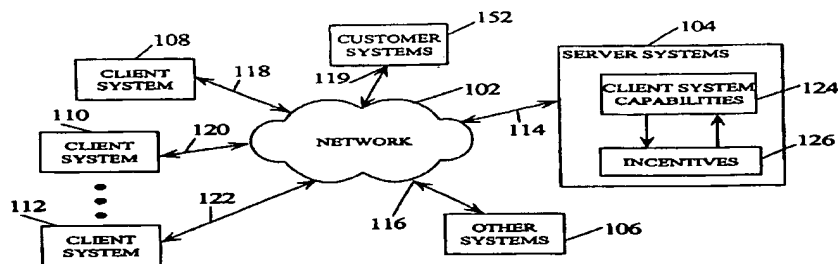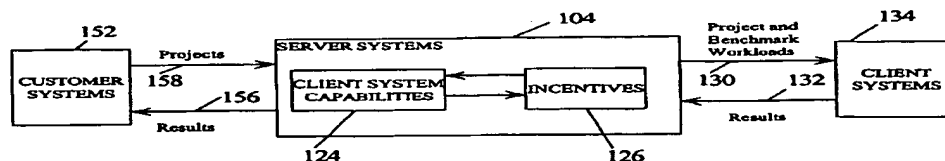
FIG. 1A

FIG. 1B

As Figures 1A and 1B in *Hubbard* depict above, the third party customer systems (152) send projects (158 and 130) to the client systems (134) and the client systems send back the results (132 and 156). The client systems (134) are the distributed devices referenced in the above cited passages from *Hubbard*. Thus, *Hubbard* teaches that the third party customer benefits from the distributed devices' task performance and that the client systems do not request any services themselves. The *Hubbard* client systems provide processing capabilities to third parties, such as a requesting customer, rather than a subscription computing service where subscribers request projects to be performed and utilize other client systems in the subscriber computing system as in the present invention. Thus, *Hubbard* fails to teach a method of providing a subscription computing service to a subscriber computing system as recited in claim 1 of the present invention.

Furthermore, in the subscriber computing system in claim 1, the subscription computing service is initiated based on subscription computing information. Subscription computing information, as defined on page 6, lines 13-14 of the current Specification, identifies services that may be provided to the subscriber. For example, services that may be provided to the subscriber include services contained in a service agreement. *Hubbard's* distributed devices do not request a subscription computing service based on subscription computing information. In addition, *Hubbard* does not teach having subscription information of a subscriber that identifies what services will be provided to

the customer system, nor does *Hubbard* mention the desirability of such a feature. Instead, *Hubbard* merely teaches that a customer system sends a project or workload to a server, and the distributed devices in *Hubbard* process the workload, without regard to subscription information of the subscriber that identifies what services to be provided to the subscriber. Thus, *Hubbard* fails to teach initiating a subscription computing service based on subscription computing information as recited in claim 1 of the present invention.

In *Hubbard*, the client systems' distributed devices are not requesting an identified service based on subscription computing information as is recited in claim 1 of the present invention. Instead, *Hubbard* teaches that the control system provides incentives to the distributed device owners based on workload completion or system capabilities. (*Hubbard*, Col. 11, lines 10-19). In essence, the control system in *Hubbard* is paying the owners of the distributed devices for allowing the third party customer systems to perform tasks on their devices.

Moreover, *Hubbard* also does not teach that spare resource availability is determined by requesting system operation information from the subscriber computing system, as recited in claim 1 of the present invention. Rather, *Hubbard* teaches that:

> ...along with receiving the workload, the client system will also receive an agent that manages the completion of the workload. This agent may be software that is customized for the particular computer system and processing capabilities of the client system.... When the agent determines that there is unused processing or other capabilities, the agent may take advantage of it. For example, if the user is using a word processing application to create a document, little processing power is being utilized by the word processing program, leaving the computer's CPU and video processor underutilized. Thus, the agent could execute commands to these processors during dead cycles. In this way, the agent may facilitate the completion of workload processing in a reduced time.

(*Hubbard*, Col. 7, line 63 – Col. 8, line 12).

The paragraph above demonstrates that the embedded agent in the client system will automatically manage the unused resources of the client system. This is in contrast to Applicants' present invention recited in claim 1 that determines spare resource availability by requesting system operation information from the subscriber computer

system. In *Hubbard,* there is not a request of the client systems; the process is performed automatically by the agent for the customer system.

Accordingly, even though *Hubbard* teaches the indexing of available resources to perform tasks in a distributed device environment, it does not teach or suggest each and every element of Applicants' current invention as recited in amended independent claims 1, 14, 26, 39, 51, and 52. Claims 2-13, 15-25, 27-39, and 40-50 are dependent claims depending on independent claims 1, 14, 26, and 39 respectively. Applicants have already demonstrated claims 1, 14, 26, 39, 51, and 52 to be in condition for allowance. Applicants respectfully submit that claims 2-13, 15-25, 27-39, and 40-50 are also allowable, at least by virtue of their dependence on allowable claims. Therefore, the Applicants respectfully urge that the rejection of these claims under 35 U.S.C. § 102 as being anticipated by *Hubbard* be withdrawn.

II. 35 U.S.C. § 103, Obviousness, Claims 6, 19, 31, and 44

The examiner has rejected claims 6, 19, 31, and 44 under 35 U.S.C. § 103 as being unpatentable over *Hubbard* (U.S. Patent No. 6,654,783) in view of *Lettvin* (U.S. Patent No. 5,559,960). This rejection is respectfully traversed.

Dependent claim 6 of the present invention, which is representative of dependent claims 19, 31, and 44, reads as follows:

> 6. The method of claim 1, wherein the one or more spare resources includes one or more storage devices, and wherein the at least one operation includes writing data to at least one hidden partition of the one or more storage devices.

With regard to claims 6, 19, 31, and 44 the Examiner stated:

> Regarding claims 6, 19, 31, and 44, although Hubbard shows substantial features of the claimed invention as explained in the corresponding independent claims, he does not explicitly show writing data to a hidden partition of a storage device.
> Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Hubbard, as evidenced by Lettvin USPN. (5559960).
> In analogous art, Lettvin whose invention is a system that provides a hidden partition for a computer program, discloses writing data to a hidden partition of a storage device. [Col. 3, lines 25-37]. Giving the

teaching of Lettvin, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Hubbard by employing the system of Lettvin so that programs and information stored in the hidden partition are kept in a secure storage [Col. 3, lines 31-51].

(*Office Action,* Pages 14 and 15).

Even though *Littvin* teaches a virus-resistant disk having a "hidden partition" in which the anti-virus software is stored (*Littvin,* Col. 3, lines 24-26), the combination of *Littvin* and *Hubbard* does not teach or suggest Applicants' present invention as recited in the independent claims. As argued in Section I above, *Hubbard* does not teach initiating the subscription computing service based on subscription computing information and determining if one or more spare resources are available by requesting system operation information from the subscriber computing system as recited in amended independent claim 1.

In addition, claim 1 is representative of all the independent claims in Applicants' patent application. As a result, since *Littvin* is only applied to dependent claims 6, 19, 31, and 44 and the independent claims on which these claims depend have been shown to be in condition for allowance, then Applicants respectfully submit that claims 6, 19, 31, and 44 are also allowable, at least by virtue of their dependence on allowable claims. Moreover, the combination of *Littvin* and *Hubbard* does not teach or suggest the Applicants' present invention as recited in the independent claims. Consequently, Applicants respectfully urge that the rejection of these claims under 35 U.S.C. § 103 as being unpatentable over *Hubbard* in view of *Lettvin* be withdrawn.

III.   35 U.S.C. § 103, Obviousness, Claims 11, 24, 36, and 49

The examiner has rejected claims 11, 24, 36, and 49 under 35 U.S.C. § 103 as being unpatentable over *Hubbard* (U.S. Patent No. 6,654,783) in view of *Doyle* (U.S. Patent No. 6,009,455). This rejection is respectfully traversed.

Dependent claim 11 of the present invention, which is representative of dependent claims 24, 36, and 49, reads as follows:

11.   The method of claim 10, wherein the at least one operation further includes encrypting the data prior to writing the data to the portion of the one or more spare resources.

With regard to claims 11, 24, 36, and 49, the Examiner stated:

Regarding claims 11, 24, 36, and 49, although Hubbard shows substantial features of the claimed invention as explained in the corresponding independent claims, he does not explicitly show encrypting a data.
Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Hubbard, as evidenced by Doyle USPN. (6009455).
In analogous art, Doyle whose invention is a distributed computation utilizing idle networked computers, discloses a system for encrypting data (file storage) of the client computers in the distributed network. [Col. 11, lines 7-11]. Giving the teaching of Doyle, a person of ordinary skill in the art would have readily recognized the desirability and

the advantage of modifying Hubbard by employing the system of Doyle in order to maximize the security of the data transmitted over the network and to increase the integrity and confidentiality of the data.

(*Office Action,* Pages 15 and 16).

Even though *Doyle* teaches that file storage on the client computer could be encrypted or otherwise secured (*Doyle,* Col. 11, lines 9 and 10), the combination of *Doyle* and *Hubbard* does not teach or suggest Applicants' present invention recited in the independent claims. As argued in Section I above, *Hubbard* does not teach initiating the subscription computing service based on subscription computing information and determining if one or more spare resources are available by requesting system operation information from the subscriber computing system as recited in amended independent claim 1.

Furthermore, claim 1 is representative of all the independent claims in Applicants' patent application. As a result, since *Doyle* is only applied to dependent claims 11, 24, 36, and 49 and the independent claims on which these claims depend have been shown to be in condition for allowance, then Applicants respectfully submit that claims 11, 24, 36,

and 49 are also allowable, at least by virtue of their dependence on allowable claims. Moreover, the combination of *Doyle* and *Hubbard* does not teach or suggest the Applicants' present invention as recited in the independent claims. Consequently, Applicants respectfully urge that the rejection of these claims under 35 U.S.C. § 103 as being unpatentable over *Hubbard* in view of *Doyle* be withdrawn.
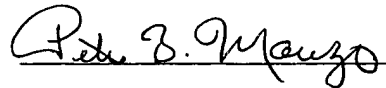
IV.   Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: 12-7-04

Respectfully submitted,

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AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes a change to Figure 4. This replaces the original sheet including Figure 4. In Figure 4, previously omitted element 400 has been added.

Attachment: Replacement Sheet for Figure 4.